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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,209	06/09/2005	Godert W. R. Leibbrandt	NL021389	3566

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BRIARCLIFF MANOR, NY 10510

EXAMINER

FENWICK, WARREN K

ART UNIT	PAPER NUMBER
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2862

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,209

Applicant(s)

LEIBBRANDT ET AL.

Examiner

Warren K. Fenwick

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/09/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/09/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 06/09/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1 and 16** are rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each claim contains the phrase, "...a processor **operatively coupled to the content input ...**". Does have any metes or bounds. The wording should be corrected in both claims to read, "...a processor **controlling the content input ...**".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy et al. (U. S. Patent # 6,282,362 B1).

6. Regard **claim 1**, Murphy et al. disclose a content acquiring device (a highly integrated portable system, Figure 2, element 300) comprising:

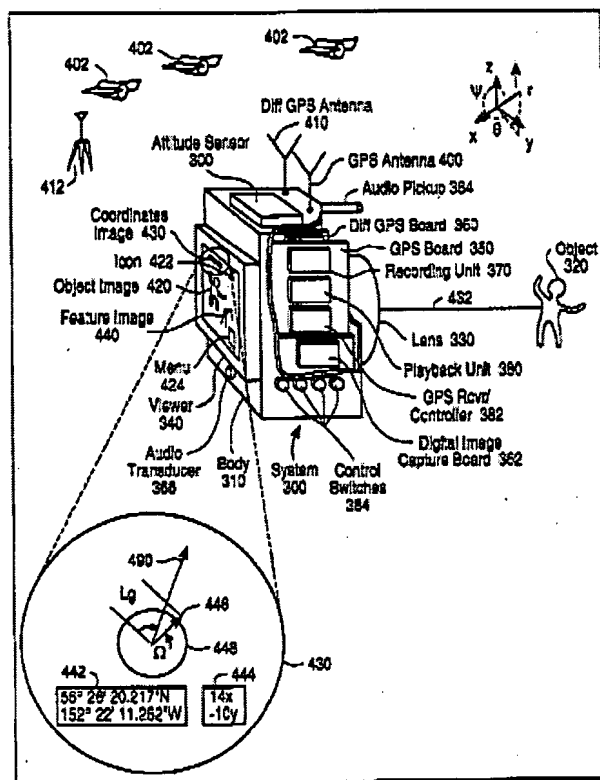


FIG. 2 HIGHLY INTEGRATED PORTABLE SYSTEM

- a content input (Figure 2, lens and recording unit, elements 330 and 370, respectively) configured for acquiring content (Figure 2, element 320) and at least one of a time (column 5, lines 20-32) of acquiring the content and a location (Figure 2, element 442) of acquiring the content; and

- a processor operatively coupled (Figure 2, element 382) to the content input and the data input, wherein the processor is configured to determine additional data from a relation between at least one of the time of acquiring the content and the location of acquiring the content, and at least one of timeframe data (column 5, lines 2-28) and reference location data (Figure 2, element 442).

7. Regarding **claim 2**, Murphy et al. disclose the content acquiring device, wherein the content acquiring device is an imaging camera (Figure 2, element 300).

8. Regarding **claim 3**, Murphy et al. disclose the content acquiring device comprising a global positioning system receiver (GPS) wherein the GPS (Figure 2, elements 350 and 360) is configured to provide the processor (Figure 2, element 382) with the location of acquiring the content.

9. Regarding **claim 4**, Murphy et al. disclose the content acquiring device (Figure 2, element 300), wherein the content acquiring device is configured to receive both the timeframe data and the reference location data and wherein the timeframe data is a start and an end of a time interval (column 5, lines 20-32) and the reference location data is a location of the content acquiring device at the start and the end of the time interval.

10. Regarding **claim 5**, Murphy et al. disclose the content acquiring device, wherein the content acquiring device comprises a memory (column 8, lines 55-65), wherein the memory is configured to store the acquired content and the determined additional data.

11. Regarding **claim 6**, Murphy et al. disclose the content acquiring device comprising an audio input configured to receive at least one of the timeframe data (column 5, lines 20-32) and the reference location data (Figure 2, element 442).

12. Regarding **claim 7**, Murphy et al. disclose the content acquiring device, wherein the processor is configured to receive audio data from the audio input and to convert the audio input to at least one of the timeframe data and the reference location data (column 11, lines 49-58).

13. Regarding **claim 8**, Murphy et al. disclose the content acquiring device, wherein at least one of the timeframe data and the reference location data is received from a network connection (column 15, lines 57-62).

14. Regarding **claim 9**, Murphy et al. disclose the content acquiring device, wherein the network connection is configured to receive the least one of the timeframe data and reference location data from an external content storage device (column 15, lines 59-62).

15. Regarding **claim 10**, Murphy et al. disclose a method of acquiring self-generated content, the method comprising the acts of:

- acquiring content; (column 14, lines 22-27)
- acquiring at least one of a time of acquiring the content and a location of acquiring the content data (column 5, lines 20-32);
- receiving at least one of timeframe data and reference location data; and determining additional data from a relation between at least one of the time (column 5, lines 20-32) of acquiring the content and the location (column 14,

lines 34-40 and 50-54) of acquiring the content, and at least one of the timeframe data and the reference location data.

16. Regarding **claim 11**, Murphy et al. disclose regarding the method, wherein the acquired content is imaging content (Figure 2, element 320)

17. Regarding **claim 12**, Murphy et al. disclose the method, wherein both the timeframe data (column 5, lines 20-32) and the reference location data (column 14, lines 34-40 and 50-54) is acquired.

18. Regarding **claim 13**, Murphy et al. disclose the method, wherein the timeframe data (column 5, lines 20-32) is a start and an end of a time interval.

19. Regarding **claim 14**, Murphy et al. disclose the method, wherein the reference location data is a location of the content acquiring device at the start and the end of the time interval (column 5, lines 20-32).

20. Regarding **claim 15**, Murphy et al. disclose the method, further comprising the acts of:

- receiving audio input (column 11, lines 52-56); and
- converting the audio input to at least one of the timeframe data and the reference location data (column 11, lines 56-58).

21. Regarding **claim 16**, Murphy et al discloses a content acquiring device comprising:

- a content input (Figure 2, element 310) configured for acquiring content and at least one of a time of acquiring the content and a location of acquiring the content;

- a data input (a Differential Ready GPS printed circuit board, Figure 2, element 300 and attitude sensor, Figure 2, element 390) configured to receive at least one of timeframe data and reference location data; and
- a processor (Figure 2, element 382) operatively coupled to the content input and the data input, wherein the processor is configured to determine additional data from a relation between at least one of the time of acquiring the content and the location of acquiring the content, and at least one of the timeframe data and the reference location data.

22. Regarding **claim 17**, Murphy et al. disclose the content acquiring device (Figure 2, element 300), wherein the content acquiring device is configured to receive both the timeframe data and the reference location data and wherein the timeframe data is a start and an end of a time interval and the reference location data is a location of the content acquiring device at the start and the end of the time interval.

23. Regarding **claim 18**, Murphy et al. disclose the content acquiring device (Figure 2, element 300) comprising a position determining system wherein the position determining system is configured to provide the processor with the location of acquiring the content (column 14, lines 34-40).

24. Regarding **claim 19**, Murphy et al. disclose the content acquiring device (Figure 2, element 300), wherein the GPS is configured to provide the processor with the reference location data (column 14, lines 34-40).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art reference is, made of record and not relied upon, is presented in the following paragraph.

26. Wilska et al. (U. S. Patent # 6,427,078 B1) disclose a "Device for Personal Communications, Data Collection and Data Processing, and a Circuit Card:

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Warren K. Fenwick whose telephone number is 571-270-3040. The examiner can normally be reached on Mon - Fri 9A to 5:30P, Eastern Time (GMT-5).

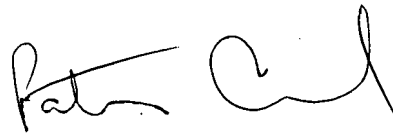
28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WKF

A handwritten signature in black ink, appearing to read "Patrick Assouad". The signature is fluid and cursive, with the first name "Patrick" and last name "Assouad" clearly distinguishable.

**PATRICK ASSOUD
SUPERVISORY PATENT EXAMINER**